



# University of Hawaii at Manoa

Environmental Center  
Crawford 317 • 2550 Campus Road  
Honolulu, Hawaii 96822  
Telephone (808) 948-7361

RL:0754

## SB 2093 RELATING TO ENVIRONMENTAL QUALITY

Statement for  
Senate Committee on  
Planning and Environment  
Public Hearing - February 26, 1988

By  
Ray Tabata, Sea Grant  
John Harrison, Environmental Center  
Jacquelin Miller, Environmental Center

SB 2093 would add a new section to Chapter 342 of Hawaii Revised Statutes that would prohibit the use and sale of tributyltin anti-fouling paints with some exceptions.

Our statement on this bill does not represent an institutional position of the University of Hawaii.

As a participant on the Department of Health's Organotin Advisory Committee, we have had the opportunity to review a good deal of the literature pertinent to the use and effects of tributyltin anti-fouling paints in the marine environment. We too have been concerned with the potential environmental effects of the use of TBT compounds but we believe that the legislation proposed may be both inappropriately directed to the Department of Health, and furthermore unnecessary given both existing statutory provisions of the Department of Agriculture and pending federal regulations by EPA.

It is our understanding that the state Department of Agriculture has existing statutory authority under HRS 149A, the Hawaii Pesticides Law, to regulate the sale etc. of these compounds and have exercised that authority in the issuance of rules prohibiting the sale, use, or distribution of tributyltin anti-fouling paints that have a rate release greater than 5 micrograms per square centimeter per day. At the Federal level, the Tributyltin-Based Anti-fouling Paint Control Act of 1987 was approved by the U.S. House of Representatives on December 18, 1987 with

changes reflecting a compromise in the version passed by the House on November 9, 1987 and the Senate on December 12, 1987. The maximum release rate has been set at four micrograms per square centimeter per day and the bill prohibits the use of TBT based paints on boats less than 82 feet long. It also sets up a requirement for monitoring TBT concentrations in harbors serving as homeports for the Navy, and limits the continued sale of existing paints to 180 days and their application to one year after enactment of the legislation. The U.S. Senate is expected to take up the amended bill early this session.

If additional legislation is thought to be necessary, we suggest that it be directed to Chapter 149A, not HRS 342, and that consolidation and revision of Section 1, paragraphs a, b, and c should be considered.